

## TEXT OF PROPOSED REGULATIONS

### TITLE 27. CALIFORNIA CODE OF REGULATIONS DIVISION 1. GENERAL FUNCTIONS AND RESPONSIBILITIES

#### SUBDIVISION 0.5

#### CHAPTER 2. ENVIRONMENTAL ENFORCEMENT AND TRAINING GRANT PROGRAM

#### ARTICLE 1. DESCRIPTION, PROCEDURES, CRITERIA, RESTRICTIONS, AND ADMINISTRATION

##### § 10011. SCOPE OF ARTICLE

These regulations apply to applicants seeking Environmental Enforcement and Training Act grants under the Environmental Enforcement and Training Grant Program established by the Secretary of the California Environmental Protection Agency. The regulations in this Article provide the following as required by Penal Code section 14301:

- (a) Describe procedures for applying for Environmental Enforcement and Training Act grants.
- (b) Describe criteria to be used in determining which applications will be funded.
- (c) Describe the administrative and fiscal requirements governing the receipt and expenditure of Environmental Enforcement and Training Act grant funds.

Authority: Section 14301, Pen. Code

Reference: Section 14301(b), Pen. Code

##### § 10012. DEFINITIONS

- (a) The definitions contained in Section 14300(b) of the Penal Code are incorporated herein by reference.
- (b) “Cal/EPA” means the California Environmental Protection Agency

Authority: Section 14300, Pen. Code

Reference: Section 14300(b), Pen. Code

##### § 10013. GENERAL PROVISIONS

(a) These regulations implement provisions in the Environmental Enforcement and Training Act of 2002. The Act created a potential funding source for California environmental training, investigation and enforcement activities. The Secretary has established the Environmental Enforcement and Training Grant Program to allocate and award funds, upon appropriation by the Legislature, to public agencies or private nonprofit organizations for purposes of supporting and enhancing statewide environmental enforcement, and training programs for peace officers, firefighters, investigators, state and local environmental regulators, and public prosecutors pursuant to Penal Code section 14301, et seq.

(b) The Environmental Enforcement and Training Grant Program funds are derived from the Environmental Enforcement and Training Account. This Account may provide up to two million

dollars (\$2,000,000) annually for distribution by the Secretary, upon appropriation by the Legislature, as follows:

(1) Twenty-five percent or one hundred thousand dollars (\$100,000) whichever is less to the Commission on Peace Officer Standards and Training.

(2) Twenty-five percent to the Environmental Circuit Prosecutor Project through the California District Attorney's Association.

(3) Twenty-five percent to the California District Attorneys Association.

(4) Twenty-five percent to the Secretary for discretionary grants as allowed by Penal Code commencing with sections 14306 or 14309 based on demonstrated need or in order to sustain the current level of presence and enforcement for those programs.

Authority: Section 14300, 14301, 14303, 14306, 14307, 14308, 14309, 14314, Pen. Code

Reference: Sections: 14300(c), 14300(d), 14301(a)(3), 14301(c), 14303(a), 14314(a), 14314(b), 14314(c), 14314(d)

#### § 10014. PURPOSE OF THE ENVIRONMENTAL ENFORCEMENT AND TRAINING GRANT PROGRAM

The Secretary has established the Environmental Enforcement and Training Grant Program in order to provide financial assistance for statewide enforcement and training programs to enhance enforcement of environmental laws. Under this program, the Secretary is authorized to award both mandatory and discretionary training and enforcement grants.

(a) Upon appropriation, grant funds shall be awarded by the Secretary to: 1) the Commission on Peace Officer Standards and Training; 2) the Environmental Circuit Prosecutor Project through the California District Attorney's Association; and 3) the California District Attorneys Association in accordance with the Act and these regulations.

(b) Discretionary grant funds may be awarded by the Secretary to public agencies or private nonprofit organizations and local environmental regulators in accordance with the Act and these regulations.

Authority: Sections 14301, 14303, 14306, 14307, 14308, 14309, and 14314, Pen. Code

Referenced: Sections 14301(c), 14314(c), 14301(d), 14309(c)(1), 14306(a), 14307(a), 14308(a), 14308(b), 14314(d)(1)Pen. Code

#### § 10015. PROCEDURES FOR APPLYING FOR DISCRETIONARY ENVIRONMENTAL ENFORCEMENT AND TRAINING ACT GRANTS

(a) To apply for an enforcement and training grant under this program, qualified entities must complete an application as specified by the Secretary. The applicant must provide the following:

(1) A narrative/work plan that describes the applicant's proposed project. The narrative/work plan must contain the following information:

(A) Identify the environmental enforcement and/or training objectives to be addressed by the project.

(B) Identify the enforcement and/or training target audience.

- (C) Identify the environmental statutes/acts addressed by the project.
- (D) Provide a concise introduction that states the nature of the organization including documentation to support the organizations non-profit status.
- (E) Identify how long the organization has been in existence.
- (F) Describe how the organization has been successful in the past.
- (G) Describe the environmental justice component of the program required by Section 6 of this article, or the reason(s) such a component is not included in the project.
- (H) Provide project completion plans/time frames, and expected results.
- (I) Provide a conclusion discussing how the applicant will evaluate and measure the success of the project, including the anticipated benefits and challenges in implementing the project.
- (J) Provide budget figures/projections to support the work-plan narrative.
- (K) Provide a succinct explanation of how the project may serve as a model in other settings.
- (L) Provide an appendix with resumes of key personnel who will be significantly involved in the project, including the project lead.
- (M) Provide letter(s) of commitment if your proposed project includes the significant involvement of other organizations.

Authority: Sections 14301, 14303, 14306, 14307, 14308, 14309, and 14314(e), Pen. Code  
 Referenced: Sections 14301(c), 14314(c), 14301(d), 14309(c)(1), 14306(a), 14307(a), 14308(a), 14308(b), 14314(d)(1) Pen. Code

#### § 10016. ELIGIBILITY, CRITERIA, REVIEW AND SELECTION PROCESS

##### (a) ELIGIBILITY.

- (1) Individuals are not eligible to receive grants.
- (2) Any private nonprofit or public entity may submit an application for discretionary grants.
- (3) Applicants that have previously received grant funds may be eligible for future grant awards.
- (4) Organizations that have not received previous grants under the Environmental Enforcement and Training Grant program may receive preference over organizations currently or previously having been authorized grant awards.
- (5) Local environmental regulators may request local assistance grants to assist in the enforcement of environmental laws, based upon a showing of substantial need and a lack of other available funding sources.
- (6) The Commission may seek additional grant funding based on need if the environmental law enforcement training is mandated or if there are substantial changes in the law that require it to revise its environmental law courses.
- (7) Applications that propose projects that are inconsistent with the Agency's statutory authority are ineligible for funding and will not be evaluated.

(b) CRITERIA. The narrative/work plan will be used as the primary basis for awarding grants. The Secretary will award grants based upon the following criteria:

(1) The Secretary will consider only one application per applicant for a given project. Applicants may submit more than one application if the applications are for separate and distinct projects or activities.

(2) Every application will be evaluated based on the merit of the proposed project in comparison to other applications. Past performance may be considered during the evaluation process for those applicants who have received previous grants.

(3) California Law requires the Agency to conduct its programs in a manner that ensures the fair treatment of people of all races, cultures, and income levels including minority populations and low-income populations in the State. Receipt of grant awards will be conditioned upon the incorporation of environmental justice objectives as they relate to environmental enforcement into proposed training courses. Training courses should therefore include, as appropriate, one or more of the following components:

(A) Developing an understanding of environmental justice laws and principles.

(B) Developing targeted enforcement projects or plans benefiting communities most burdened by pollution sources or impacts.

(C) Ensuring public participation and information sharing whenever possible.

(4) Applicants may receive grants to develop a new activity or substantially improve the quality of existing programs upon a showing that the project will have a direct impact on environmental enforcement and/or training activities.

(5) The Secretary will review and consider the responsiveness of the work plan to the Agency's environmental enforcement and training objectives, the overall effectiveness of the project design, the clarity of the measures of success and the qualifications of project staff.

#### (c) REVIEW AND SELECTION PROCESS

The Secretary will review, evaluate, and select grant recipients. Applications will be screened to ensure that they meet all requirements described in this Article.

(1) After all applications are received, the Secretary will mail acknowledgements to applicants.

(2) After the individual projects are reviewed and evaluated the Secretary will compare the applications and make final selections. Additional factors that the Secretary may take into account in the selection process include geographic and socioeconomic balance; diverse nature of the projects, cost, and projects whose benefits can be sustained after the grant is completed.

(3) Once applications have been recommended for funding, the Secretary will notify the finalist(s) and request any additional information necessary to complete the award process. The finalist(s) may be required to complete additional government forms prior to receiving grant funds.

(5) Limited funding is available and the Secretary may not fund all applications.

(6) The Secretary will notify those applicants whose projects are not selected for funding.

(7) The decision of the Secretary concerning the discretionary grants awarded pursuant to this section is final and not subject to appeal.

Authority: Section 14301, Pen. Code; Section 71110; Pub. Resources Code

Reference: Section 14301(b), Pen. Code; Section 71110(a), 71110(b), 71110(c) Pub. Resources Code

#### § 10017. RESTRICTIONS ON GRANTS

- (a) Grant funds can only be used for the purposes set forth in an approved narrative/workplan, and must be consistent with the statutory authority for the award.
- (b) Grant funds cannot be used for lobbying, or intervention in state or federal regulatory or adjudicatory proceedings or for litigation, administrative challenges, and enforcement actions.
- (c) Grant funds cannot be used for matching state or federal funding.
- (d) State law requires all grantees to certify and assure that they will comply with all applicable state laws, regulations, and requirements before receiving funds.

Authority: 14301, Pen. Code

Referenced: 14301(b), Pen. Code

#### § 10018. REPORTING REQUIREMENTS FOR GRANT RECIPIENTS

- (a) Grant funded projects should be completed within the time frames set out in the work plan.
- (b) The recipient organization is responsible for the successful completion of the project.
- (c) All recipients must submit timely quarterly and final reports to the Secretary.
- (d) Unused grant funds remaining at the end of the fiscal year may be forfeited.
- (e) The Secretary may require an audit or financial accounting from a grant recipient at any time.
- (f) The Secretary will collect, review, and disseminate grantees' final reports, as appropriate to serve as model programs and will use the reports to develop information for mandated reports to the Governor and the Legislature.

Authority: Section 14301, 14315, Pen. Code

Referenced: Section 14301(b), 14315, Pen. Code